

Notice of Allowability	Application No.	Applicant(s)	
	10/611,287	ZAFIROGLU, DIMITRI PETER	
	Examiner	Art Unit	
	Jenna-Leigh Befumo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS filed February 19, 2004.
2. ☒ The allowed claim(s) is/are 1-41 and 61-74.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with H. T. Than on March 16, 2005.

The application has been amended as follows:

Cancel non-elected claims 42 – 60.

Please Amend the Title by deleting “and methods for making same”.

In claim 31 replace “claim1” with --claim 1--.

In claim 34 replace “claim1” with --claim 1--.

In claim 22, line 1, after “forms” insert --a-- and after “second” insert --set of--.

In claim 71, line 1, after “forms” insert --a-- and after “second” insert --set of--.

In claim 68, line 1, replace “61” with --62--.

In claim 69, line 1, replace “61” with --68--.

In claim 70, line 1, replace “61” with --68--.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 – 41 and 61 – 74, drawn to a stitch-bonded fabric, classified in class 428, subclass 92.

II. Claims 42 – 60, drawn to a method of making a contracted stitched-bonded fabric, classified in class 112, subclass 475.01+.

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The inventions are distinct, each from the other because of the following reasons:

3. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be produced by pre-shrinking the feed material and then stitching loops into the feed material to produce the non-elastic, looped fabric, instead of stitching the fabric and then shrinking the feed material to create a looped pile surface.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with H.T. Than on January 13, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 – 41 and 61 – 74.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 61 – 74 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

6. The drawings are objected to because the number and lines are unclear or indistinguishable from other parts of the drawings and formal drawings need to be submitted. For instance, in Figure 4 it is hard to clearly identify all the numbers because the numbering is so small. And in the Figures 6, 7, and 10 showing the gathered product it is hard to distinguish the overlaps from the adhesive layer and cross-hatching. Also it is hard to tell that the adhesive layer is actually bucking in Figure 7.

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7. The drawings are objected to because the discussion of Figures 3 and 4 refer to the yarns **50** but the figures do not show reference number **50**. The figures should include all the numbers identified in the discussion of the drawing in the specification.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both the adhesive layer in Figures 1 – 4 and a general shrinkable layer in Figures 5 – 10.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12" and "80" have both been used to designate an adhesive layer. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Reasons for Allowance

11. The following is an examiner's statement of reasons for allowance:

12. The prior art fails to teach or fairly suggest a stitch-bonded fabric with a shrinkable backing material stitch-bonded with a network of yarns, wherein the shrinkable layer shrinks causing the yarns to form loops extending upwards from the shrunk backing material and the shrunk backing

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material is inelastic. The prior art, such as Ploch et al. (3,837,943), Kochta et al. (3,664,157), Tochacek et al. (5,310,590), and Zafiroglu (6,407,018) do disclose that the stitching threads themselves can be made from shrinkable or contractible material to bulk or add texture to the fabric. However, these references do not suggest that the backing material itself is shrinkable or contractible. Further, the prior art, such as Cohen et al. (5,624,729) and Scholtis (DD 153712 A) disclose using an elastic or contractible backing material, however these references also disclose that the contractible backing is necessary to produce an elastic final product. Hence, there is no reason to modify these inventions to produce a shrinkable stitch-bonded fabric which is inelastic after it is contracted instead.

13. Therefore, claims 1 – 41 and 61 – 74 are allowed.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

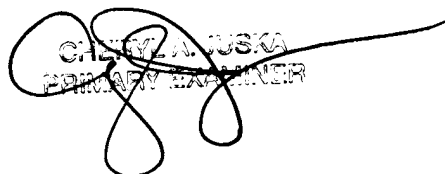
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo
March 17, 2005



CHERYL A. NUSCA
PRIMARY EXAMINER